

Town Tenants (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Certain town tenants, subtenants, and holders of middle interests entitled to serve notice of application to court to fix rent and award compensation for improvements.
 2. Reference to arbitration.
 3. Jurisdiction of the county court.
 4. Appeals.
 5. Capital value to be ascertained and five per centum to be assumed provisionally for purpose of calculation.
 6. Compensation when claimed for improvements and for dilapidation to be ascertained and balanced and rent then fixed for fifteen years.
 7. Incidents of tenancy subject to statutory conditions.
 8. Judicial rents may be revised for a second statutory term from end of first.
 9. Fixity of tenure and right to sell interest conferred where judicial rent not fixed.
 10. Commencement of Act.
 11. Short title.
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B I L L

TO

Extend the Jurisdiction of County Courts in Ireland to the fixing of tenures and of judicial rents on town holdings in Ireland, and the adjustment of compensation for improvements thereon. A.D. 1913.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Every tenant and every subtenant who, or whose predecessor in title, has been during the preceding three years in occupation of a holding consisting of a house, shop, or other building in an urban district, town, or village in Ireland, to which holding the Land Law Acts do not apply, whether held
- 10 under lease or from year to year or otherwise, where the rent paid exceeds the poor law valuation of the holding by one-half that valuation, shall be entitled to serve notice on the person, corporation or body to whom the rent is payable of his intention to apply to the county court at its then next sitting to fix the
- 15 fair rent of the holding for the next ensuing fifteen years, and to claim compensation for any existing improvements that he or his predecessor in title may have made on the holding, if not previously fixed and compensated for by arbitration; and the holder of any middle interest whose income from a holding is
- 20 reduced in pursuance of this Act, where the rent paid by him exceeds the poor law valuation of the holding shall be similarly entitled to serve notice on the person, corporation or body to whom the rent is payable by him of his intention to apply to the county court at its then next sitting to fix the fair rent of
- 25 the holding for the next ensuing fifteen years, and to claim compensation for any existing improvements that he or his

Certain town tenants, subtenants, and holders of middle interests entitled to serve notice of application to court to fix rent and award compensation for improvements.

[Bill 200]

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A.D. 1911. predecessor in title may have made on the holding, if not previously fixed and compensated for by arbitration or otherwise.

Reference to arbitration.

52 & 53 Vict. c. 49.

Jurisdiction of the county court.

2. Any matter capable of being determined by the county court under this Act, may, if the parties so agree, be decided by arbitration instituted and conducted in accordance with the 5 Arbitration Act, 1889; and the award, when registered in the county court shall, so far as relates to rent and compensation, be enforceable by the same officers and in the same manner, and be as valid for all purposes and have the same duration, as an order of that court. 10

3.—(1) The court for the determination of all matters under this Act not settled by arbitration shall be the county court having jurisdiction where the holding is situate.

(2) Subject to the provisions of this Act, rules for regulating proceedings in arbitrations and in a county court under this 15 Act may be made in accordance with the County Courts (Ireland) Acts, 1851 to 1889, and such rules may (*inter alia*) provide for—

- (a) the manner in, and the time within, which notices under this Act shall be served; 20
- (b) the manner in which notices, orders, and other documents under this Act may be authenticated;
- (c) (subject to the provisions of this Act) the particulars to be inserted in any notice to any person or in any application to or order made by the court under this 25 Act.

(3) Any rules under this section shall be made after consultation with, or notice of consultation sent to, the President of the Incorporated Law Society of Ireland.

Appeals.

4. Any person aggrieved by any determination of the 30 county court under this Act may appeal either—

- (1) to the judge of assize or a judge of the High Court, as the case may be, in accordance with the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil 35 bills; or
- (2) to the Court of Appeal in accordance with the rules of the Supreme Court:

Provided that, if in any proceedings appeals are taken both to the judge of assize or a judge of the High Court and to the 40

Court of Appeal, the appeals shall be heard together by such judge, and a further appeal may be taken from his determination to the Court of Appeal in accordance with the rules of the Supreme Court.

A.D. 1913.

- 5 5. The court shall receive such evidence as the parties may offer, and may also, if it thinks fit, obtain the evidence of a valuer appointed by itself, of the actual capital value at the time of valuation of buildings, fittings, and structures on which the applicant pays rent, over and above the site value payable
10 to the ground landlord, and shall provisionally assume as a basis for calculation that the immediate landlord, the defendant in the case, is entitled to receive as a fair rent five per centum per annum on that capital value, plus the annual rent which he himself pays for the site; this provisional sum, however, to
15 be increased or reduced according to the population of the town and of the district served by it, the suitability of the buildings for their purpose in situation, distance from railway or other mode of transit, structure, and otherwise, and any other circumstance which, in the opinion of the court, ought to modify the
20 rent; provided that the total rent to be fixed shall in no case exceed in amount twice the total poor law valuation of the holding.

Capital value to be ascertained and five per centum to be assumed provisionally for purpose of calculation

6. For the purpose of arriving at the just amount of a fair rent, the court shall deem a tenant or subtenant applying to
25 have a fair rent fixed to be a tenant quitting his holding within the meaning of the Town Tenants (Ireland) Act, 1906, and to be entitled, on claiming compensation for existing improvements, to compensation for such improvements, subject to the requirements and conditions of that Act so far as applicable to the
30 case; and the court shall give the applicant credit for the actual capital value of all existing improvements claimed and made by him or his predecessor in title to the extent to which they have not already been paid or compensated for, and give credit
35 to the defendant for all dilapidation or injury to improvements made by him or his predecessor in title other than use in the reasonable practice of business; and shall then, in accordance with the evidence, fix the fair yearly rent to be paid for the holding during the next ensuing fifteen years.

Compensation when claimed for improvements and for dilapidation to be ascertained and balanced and rent then fixed for fifteen years.
6 Edw. 7. c. 54.

7. An occupying tenant or subtenant, whose rent has been
40 fixed for a statutory term under this Act, shall not be compelled to pay any higher rent for the holding at any time during that

Incidents of tenancy subject to statutory conditions.

A.D. 1913, term, and shall not be compelled to quit the holding except in consequence of the breach by him of some one or more of the following statutory conditions namely:—

- (1) The tenant or subtenant shall pay his rent on each gale day, which shall be the last day of the month, quarter, 5 or half-year for which the payment is due, according to the terms of the tenancy in that respect, or such other day as the court may appoint:
- (2) The tenant or subtenant shall keep the premises constantly insured for an amount fixed by arbitration or 10 by the court, as the case may be, with an insurance company or body approved by his immediate landlord or by the court, and shall at all times satisfy the immediate landlord that the premiums are being paid: 15
- (3) The tenant or subtenant shall not, to the prejudice of any superior interest in the holding, commit or allow waste by the dilapidation of buildings or otherwise:
- (4) The immediate and superior landlord, or any person authorised by either of them in that behalf, shall have 20 the right to enter and inspect the holding or any part thereof at any reasonable hour.

Nothing contained in this section shall prejudice or affect any ejectionment for non-payment of rent instituted by either an immediate or a superior landlord, whether before or after the commence- 25 ment of a statutory term, in respect of rent accrued due for a holding before the commencement of such term. Where such action is that of a superior against a middle landlord, the occupying tenant or subtenant, whose rent has been fixed for a statutory term under this Act may lodge in the county court the amount of 30 unpaid rent in respect of which the proceedings are taken, with costs, and may deduct the sum from the next succeeding rent payable by him for the holding.

The rent of any holding subject to statutory conditions may be increased in respect of capital laid out on the holding by the 35 immediate landlord under agreement with the tenant or subtenant to such an amount as may be agreed upon between them; and such agreement, when registered in the county court, shall be enforceable as a judgment of that court.

8. Every tenant and every subtenant, whose rent has been fixed under this Act, shall be entitled at any time from the beginning of the fifteenth year of the statutory term, on giving notice similar to that required in the first instance and complying with the rules of the court, to have the rent revised and fixed for a further term of fifteen years from the end of the first term, and to claim compensation for any improvements he may have made, if not previously fixed and compensated for by mutual agreement or arbitration; and the person, corporation, or body to whom the rent is payable shall be entitled to counterclaim for dilapidation or injury to the premises as in the first instance, and the court shall proceed, and the provisions of this Act shall apply as in the case of an original application.

A.D. 1913.

Judicial rents may be revised for a second statutory term from end of first.

9. Notwithstanding any contract or condition in the terms of a tenancy, whether created before or after the commencement of this Act, no tenant or subtenant, and no assignee of a tenant or subtenant, who, or whose predecessor in title, has been during the preceding three years in occupation of a holding consisting of a house, shop, or other building in an urban district, town or village in Ireland, to which holding the Land Law Acts do not apply and on which a judicial rent has not been fixed under this Act, whether held under lease or from year to year or otherwise, while the rent reserved in the terms of tenancy is being duly paid and the conditions agreed therein performed and observed, and no dilapidation is being caused or allowed on the holding by the tenant or subtenant, shall be evicted from the holding until paid or compensated for improvements made on the holding by him or his predecessor in title, so far as not already paid or compensated for, the amount of the compensation to be ascertained by arbitration or by the court in the same manner as on the occasion of fixing a judicial rent, together with compensation for disturbance in accordance with section five of the Town Tenants (Ireland) Act, 1906; and every such tenant or subtenant shall be free to sell and transfer his interest in such holding with the rights conferred by this Act.

Fixity of tenure and right to sell interest conferred where judicial rent not fixed.

6 Edw. 7. c. 54, s. 5.

Commencement of Act.

Short title.

10. This Act shall come into operation on the passing thereof.

11. This Act may be cited as the Town Tenants (Ireland) Act, 1913.

Town Tenants (Ireland).

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B I L L

To extend the Jurisdiction of County Courts in Ireland to the fixing of tenures and of judicial rents on town holdings in Ireland, and the adjustment of compensation for improvements thereon.

Introduced by Mr. Goswell.

*Ordered, by The House of Commons, to be Printed,
9 June 1913.*

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